THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 2740 of 2006

DATED: 14-02-2006

Between:

Smt. Y. Venkata Rama Devi

W/o. late Y. Venkata Narasimha Rao …Petitioner

And

The District Collector,

Mahaboobnagar District,

Mahaboobnagar and

Three others …Respondents

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WRIT PETITION NO. 2740 of 2006

ORDER:

The petitioner questions the notice issued under Rule – 3 of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977(for short 'the Act') in Form No.1 alleging that calling upon the petitioner to submit her explanation within 15 days as to why she should not be summarily evicted as she has been found in possession of the assigned lands in contravention of provisions of Sub-Section 2 of Section 3 of the Act of an extent of Ac.4.30 cents in S.No.42, dry agricultural land situated at China Mungalchedu village of Pedda Mandadi Mandal, Mahaboob Nagar District.

For the said notice dated 29-10-2005, petitioner filed her explanation in the first week of November 2005. It is the contention of the learned counsel appearing for the petitioner that as against the original orders of the Lands Reforms Tribunal, Mahaboobnagar dated 18-02-1993, in C.C.No.2780/WPT/1975 in declaring that the petitioner is in excess of certain agricultural lands, she has filed an appeal before the Land Reforms Appellate Tribunal of District Judge, Mahaboobnagar in L.R.A.No. 15 of 1993 and the order of the Land Reforms Tribunal was set aside and remitted the matter to the Tribunal permitting the petitioner to surrender the lands of her own choice and accordingly, the petitioner retained the lands in her possession in respect of survey No.42 and requested the Land Reforms Tribunal, Mahaboobnagar to accept the surrender of the lands in an extent of Ac. 1.37 guntas in survey No.268 of wet land situated at Ponnakallu village, and 28 guntas of wet land in survey No.174 in Ponnakallu village, and Ac.2.14 guntas of wet land in survey No.32 of Chinna Mungalched village, and 10 guntas of wet land in survey No.26 of Chinna Mungalched village. It is stated that survey No.42 is not assigned land and she has not contravened any of the provisions of Land Reforms Tribunal. It is stated that respondents 1 to 3 have failed to implement the orders passed by the fourth respondent-appellate authority, which is illegal and arbitrary, as the Land Reforms Tribunal-Appellate Authority gave liberty to her to surrender the lands of her own choice.

Having regard to the facts and circumstances of the case, I am of the opinion that all these matters are to be considered by the Mandal Revenue Officer, pursuant to the explanation submitted by the petitioner.

Accordingly, the writ petition is disposed of directing the third respondent to consider and dispose of the representation of the petitioner pending if any, in accordance with law, and till an order is passed, the petitioner shall not be evicted from the lands in her possession. No order as to costs.

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V. ESWARAIAH, J.

Dated: 14-02-2006.

Note:

Issue C.C. within three days.

B/o.

RNS